

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

Magdaleno Ochoa Avalos

Case No. 25-MJ-531

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 11, 2025 in the county of Chester in the
Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

8 U.S.C. § 1326(a), (b)(1)

Offense Description

Illegal Reentry after Deportation

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet./s/ Louise Kennedy*Complainant's signature*Louise Kennedy, SA HSI*Printed name and title*

Sworn to before me and signed in my presence.

Date: 03/12/2025Scott W.
ReidScott W. Reid
2025.03.12
20:13:11 -04'00'*Judge's signature*City and state: Philadelphia, PennsylvaniaHonorable Scott W. Reid, U.S. Magistrate Judge*Printed name and title*

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AFFIDAVIT

1. I, Louise Kennedy, am a Special Agent at U.S. Immigration and Customs Enforcement (“ICE”) within the U.S. Department of Homeland Security (“DHS”). I have served as a Special Agent with ICE since July of 2008. As a Special Agent, I conduct investigations related to violations of the Immigration and Nationality Act (“INA”), including investigations of foreign-born nationals, who have been deported from the United States and subsequently re-enter the United States illegally. I am currently assigned to the office of the Special Agent in Charge in Philadelphia as a member of the “Document and Benefit Fraud Task Force,” and I have been so assigned (or assigned to that entity’s predecessors) since July 2008. As part of my duties as a Special Agent, I investigate violations of Title 8 of the United States Code, including violations of immigration offenses.

2. I have prepared this affidavit in support of a criminal complaint against Magdaleno OCHOA Avalos (“OCHOA-AVALOS”) where there is probable cause to believe that OCHOA AVALOS, an alien, that is, an individual who is not a United States citizen or national, re-entered the United States after removal, in violation of 8 U.S.C. § 1326(a), (b)(1).

3. This affidavit is based on information I obtained from my personal observations, my training and experience, review of documentary evidence, and information provided to me by other members of the investigation. Because this affidavit is submitted only for the limited purpose of establishing probable cause for a criminal complaint and arrest warrant, it does not include all information known to the government as a result of the investigation.

PROBABLE CAUSE

4. During the month of February 2025, I became aware that Magdaleno OCHOA-AVALOS had allegedly reentered the United States, after having been removed.

5. On February 20, 2025, a known source of information (“SOI”) alleged that OCHOA-AVALOS was employed at Ochoa Auto Repair located at 345 Landenberg Road, Landenberg, Pennsylvania 19350. Based on this information, I opened an investigation into the illegal reentry of OCHOA-AVALOS.

6. As part of the ICE investigation, I obtained numerous records and photographs pertaining to OCHOA-AVALOS and conducted several surveillance operations at the address provided by the SOI. The surveillance team observed two dark colored Chevrolet pick-up trucks with Maryland registrations 98050CL and 7Z5923. A query of both registrations displayed that both vehicles are registered to OCHOA-AVALOS’s brother, Jose Guadalupe Ochoa Avalos at 245 East Hight Street, Apt C, Elkton, Maryland 21921.

7. On March 7 and March 10, 2025 ICE Agents observed a male who resembled OCHOA-AVALOS outside the auto body business working on vehicles in the driveway. ICE had a photograph of OCHOA-AVALOS from his prior encounters with ICE. ICE agents utilized a second source of information (“SOI-2”)¹ in order to confirm that OCHOA-AVALOS was present in the location.

8. On March 11, 2025 at approximately 8:31a.m. SOI-2 entered the parking lot of Ochoa Auto Repair. Before entry, SOI-2 was shown photographs of OCHOA-AVALOS in order to determine if that person was inside the body shop. At that time a dark colored Chevrolet pick-up truck bearing Maryland tag 98050CL, identified earlier as registered to OCHOA-AVALOS’s brother, Jose Guadalupe Ochoa Avalos at 245 East Hight Street, Apt C, Elkton, Maryland 21921, arrived and a Hispanic male wearing a black hoodie exited the truck and entered the business along with SOI-2. When SOI-2 entered the body shop office, he observed three Hispanic males. When SOI-2 returned from the body shop to communicate with ICE Agents, he positively identified OCHOA-AVALOS as being one the Hispanic males he observed inside the body shop.

9. I conducted record checks in DHS databases to verify that, following OCHOA-AVALOS’s removal from the United States, he did not apply for, or was granted permission by the Attorney General or his successor, the Secretary of the Department of Homeland Security, allowing OCHOA-AVALOS to reenter the United States following removal.

10. I know that DHS maintains a file on all aliens encountered by ICE. This file, known as the Alien File (“A-File”), contains documentation relating to the alien, including his/her photograph, warrants of deportation, fingerprints, documents reflecting criminal history, documents reflecting the country of citizenship, and other documents related to the lawful or unlawful status the non-citizen has in the United States. Each non-citizen is assigned an identification number, referred to as the alien registration number.

11. I conducted further record checks in the National Crime Information Center (“NCIC”) for OCHOA-AVALOS’s criminal history, as well as his immigration history. Under the Alien number (097 700 756) and FBI number provided (690318WC2), I determined that OCHOA-AVALOS had previous encounters with ICE. I conducted further checks in databases for OCHOA-AVALOS’S immigration history in the United States and found that OCHOA-AVALOS had been removed from the United States to Mexico via ICE Air Operations on August 20, 2020. OCHOA-AVALOS’s alien file was requested for a complete review.

12. The A-File is numbered A 097 700 756 and is maintained in the name of Magdaleno OCHOA-AVALOS matching the government’s electronic indices. I reviewed the alien file and determined that the electronic records contain this individual’s biographical information, family

¹ SOI-2 is a previously registered confidential source who has provided credible and reliable information that has led to arrests and convictions. The source expects to re-activate as a registered confidential source and expects to receive deferred action at a later time.

history, records of encounters, conviction records, photographs, and fingerprints. Based on the review of electronic records, I have concluded that it does in fact pertain to the individual in this matter. The A-File and electronic records reflects the following information relative to this individual:

- a. OCHOA-AVALOS is a citizen and national of Mexico.
- b. In 2006, OCHOA-AVALOS was encountered by HSI Philadelphia while being held by the Pennsylvania State Police at Chester County Prison. The agent noted that photographs of OCHOA-AVALOS matched local police arrests of OCHOA-AVALOS and photos in the alien file.
- c. A review of Pennsylvania criminal history data by your affiant on March 7, 2025 confirmed that OCHOA-AVALOS had charges initiated on December 23, 2004 for first offense of a DUI with a Blood Alcohol Content between .10 and .16 and Homicide by Vehicle with the offense date listed as October 22, 2004. He pled guilty in March 2006 to homicide by vehicle and received a sentence between one year and six months to years and six months in the Chester County Court of Common Pleas. Other documents in his alien file state that he was released on May 6, 2008.
- d. On March 8, 2007, Form I-205, Warrant of Removal/Deportation, was signed by the ICE Field Office Director of Philadelphia to remove OCHOA-AVALOS. This I-205 was executed on May 16, 2008 when OCHOA-AVALOS was removed by foot in Brownsville, Texas. OCHOA-AVALOS signed the I-205 and his photo was affixed to the I-205 along with a fingerprint of his right index finger.
- e. On May 16, 2008 OCHOA-AVALOS was deported from the U.S. on an ICE flight from Harlingen, Texas port of entry.
- f. On August 20, 2008 in Sunizona, Arizona, a U.S. Border Patrol agent performed a traffic stop on a vehicle in which OCHOA-AVALOS was a passenger. He was transported to the Willcox Border Patrol Station for processing for expedited removal pursuant to INA Section 235(b). An I-860 for OCHOA-AVALOS was generated because, pursuant to INA Section 235(b)(1) of the INA, DHS found that OCHOA-AVALOS was inadmissible under INA Section 212(a)(7) for not possessing a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document.
- g. On August 20, 2008, a sworn statement was obtained from OCHOA-AVALOS by Border Patrol agents and documented on Form I-867A in which OCHOA-AVALOS admitted entering the United States illegally after having been deported.
- h. On August 20, 2008, the removal of OCHOA-AVALOS was documented on Form I-296, Notice to Alien Ordered Removed/Departure Verification, by the U.S. Border Patrol

station in Willcox, Texas. OCHOA-AVALOS was removed via foot on the same day. His signature, photo, and fingerprint are contained on the bottom of the I-296. The I-296 states that OCHOA-AVALOS has been found inadmissible to the U.S. under INA Section 212(a) and is prohibited from entering, attempting to enter, or being in the U.S. for a period of 20 years from the date of departure from the U.S.

- i. On August 26, 2008, OCHOA-AVALOS was encountered again near the Naco, Arizona port of entry. U.S. Border Patrol reinstated OCHOA-AVALOS's prior removal order. A Warrant of Removal/Deportation, Form I-205, was issued for OCHOA-AVALOS that was dated August 28, 2008. OCHOA-AVALOS was removed from the Nogales, Arizona port of entry on August 29, 2008. His photo, signature, and fingerprint were attached to page 2 of the I-205.
- j. On August 31, 2008, OCHOA-AVALOS was encountered again near the Naco, Arizona port of entry. U.S. Border Patrol again encountered OCHOA-AVALOS. He was removed via the Naco, Arizona port of entry on September 1, 2008. OCHOA-AVALOS's signature, photo, and fingerprint were on a second page of an I-205. Again, OCHOA-AVALOS was advised that he was prohibited from entering the U.S. for 20 years.
- k. On February 12, 2020, OCHOA-AVALOS was encountered in Sumter, South Carolina during a traffic stop for not having a driver's license. An administrative ICE detainer was placed on OCHOA-AVALOS. On or about March 3, 2020, OCHOA-AVALOS was indicted in the United States District Court for the District of South Carolina for one count of violation of 8 U.S.C. 1326(a), reentry after deportation, under criminal case 2020--CR00178. OCHOA-AVALOS pled guilty to that offense on July 16, 2020.
- l. On August 5, 2020, a Warrant of Removal/Deportation, Form I-205, for OCHOA-AVALOS was signed by the ICE Field Officer Director of Atlanta. OCHOA-AVALOS signed the second page of the I-205 and his photo and fingerprint were affixed to it. OCHOA-AVALOS was removed via the Hidalgo, Texas port of entry by foot on August 20, 2020.

CONCLUSION

13. Based on the foregoing, I believe that there is probable cause to conclude that Magdaleno OCHOA Avalos, illegally re-entered the United States after removal, in violation of Title 8, United States Code, Section 1326(a).

/s/ Louise M. Kennedy

Louise M. Kennedy

Special Agent

U.S. Immigration and Customs Enforcement (“ICE”) within the U.S. Department of Homeland Security (“DHS”)

SUBSCRIBED TO AND SWORN TO ME BY TELEPHONE IN ACCORDANCE WITH FED
R. CRIM. P. 4.1

THIS 12 DAY OF MARCH 2025.

Scott W.
Reid

Scott W. Reid
2025.03.12 20:15:03 -04'00'

The Honorable Scott W. Reid
United States Magistrate Judge
Eastern District of Pennsylvania